

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JAVON W.,

Plaintiff,

v.

3:23-CV-0280-ML

COMMISSIONER OF SOCIAL SECURITY
ADMINISTRATION,

Defendant.

APPEARANCES:

OF COUNSEL:

LACHMAN, GORTON LAW FIRM
Counsel for the Plaintiff
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Endicott, New York 13761-0089

PETER A. GORTON, ESQ.

SOCIAL SECURITY ADMINISTRATION
Counsel for the Defendant
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FERGUS J. KAISER, ESQ.
Special Assistant United States
Attorney

MIROSLAV LOVRIC, United States Magistrate Judge

**CONSENT ORDER TO REMAND PURSUANT
TO SENTENCE 4 OF 42 U.S.C. § 405(g)**

This matter having been opened to the Court by CARLA B. FREEDMAN, United States Attorney for the Northern District of New York, and Fergus J. Kaiser, Special Assistant United States Attorney, attorneys for Defendant, for an Order remanding the within cause of action to the Defendant pursuant to Sentence 4 of 42 U.S.C. § 405(g) so that further administrative action, including a hearing before an Administrative Law Judge and the issuance of a new decision, may be taken; and Plaintiff, through counsel Peter A. Gorton, having consented to the within order

and the requested remand (Dkt. No. 11), and the Court having considered the matter,


IT IS on this 17th day of August, 2023,

ORDERED that the final decision of the Commissioner be and hereby is REVERSED, and the matter is REMANDED to the Defendant for this further administrative action; and it is further

ORDERED that the within matter, be and hereby is, DISMISSED in accord with the decision in *Melkonyan v. Sullivan*, 501 U.S. 89 (1991); and it is further

ORDERED that nothing within this consent order shall be deemed to bar Plaintiff from seeking attorney's fees under the Equal Access to Justice Act (EAJA), 42 U.S.C. § 2412.

Dated: August 17, 2023
Binghamton, New York


Miroslav Lovric
U.S. Magistrate Judge